

**Notice of Allowability**

Application No.

09/503,917

Applicant(s)

HOSHUYAMA ET AL.

Examiner

Yogesh K Aggarwal

Art Unit

2615

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 09/17/2004.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 15 February 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-24 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, neither anticipates nor renders obvious the following limitations as claimed:

[Claim 1]: "...a gain calculation unit that calculates gain by using at least either image data corresponding to a large area of said image-capturing device for scene analysis or image data corresponding to a small area of said image-capturing device for scene analysis; and a gain adjustment unit that performs gain adjustment by applying said gain calculated at said gain calculation unit to the image data output by said image capturing device for photographing".

[Claim 5]: "...a detection unit that detects an area having image data that are judged to indicate a predetermined color in image data corresponding to a predetermined area of said image-capturing device for scene analysis; a gain calculation unit that calculates gain based upon a color indicated by the image data in said area detected by said detection unit; and a gain adjustment unit that performs gain adjustment by applying said gain calculated by said gain calculation unit to the image data output by said images capturing device for photographing".

[Claim 11]: "...a conversion unit that converts image data in a predetermined area of said image-capturing device for scene analysis to color data in either a first color-related coordinate system or a second color-related coordinate system; a gain calculation unit that calculates gain based upon the color data resulting from conversion performed by said conversion unit; and a

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gain adjustment unit that performs gain adjustment by applying said gain calculated by said gain calculation unit to the image data output by said image capturing device for photographing”.

[Claim 16]: “...a conversion unit that converts image data in a plurality of first areas achieved by dividing an image capturing area of said image-capturing device for scene analysis into a unit area including a first specific number of pixels, to color data in a first color-related coordinate system or converts image data in a plurality of second areas achieved by dividing the image-capturing area of said image-capturing device for scene analysis into a unit area including a second specific number of pixels, to color data in a second color-related coordinate system ; a gain calculation unit that calculates gain using the color data in the first coordinate system or the second coordinate system resulting from conversion performed by said conversion unit ; and a gain adjustment unit that performs gain adjustment by applying said gain calculated by said gain calculation unit to the image data output by said image capturing device for photographing”.

[Claim 20]: “...a color temperature detection unit that is provided at a position conjugate with said image-capturing device relative to the taking lens and receives light of the subject image to detect color temperature information, a gain calculation unit that detects skin color based on the color temperature information detected by said color temperature detection unit for a predetermined area in a photographic field to calculate gain by using the skin color; and a gain adjustment unit that performs gain adjustment by applying said gain calculated at said gain calculation unit to the image data output by said image capturing device”.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (703) 305-0346. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA  
January 19, 2005

  
TUAN HO  
PRIMARY EXAMINER